IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:15MJ208)
vs.	ORDER
JERRELL TYNDALL,	
Defendant.	
I. Prelimina	ary Hearing
that the violation set forth in the complaint ha	igust 13, 2015, I find there is probable cause is occurred. Accordingly, the defendant shall I States District Court on the charge set forth
IT IS SO ORDERED.	
II. Def	tention
A. Order For Detention After conducting a detention hearing p Reform Act on August 13, 2015, the detained pursuant to 18 U.S.C. § 3142(e)	oursuant to 18 U.S.C. § 3142(f) of the Bail Court orders the above-named defendant e) and (i).
conditions will reasonably assure X By clear and convincing evidence	
which was contained in the Pretrial Serv X (1) Nature and circumstances of X (a) The crime: assault wi violation of 18 U.S.C. sentence of ten years X (b) The offense is a crime (c) The offense involves a (d) The offense involves wit:	the offense charged: Ith a dangerous weapon in Indian Country in §§ 113(a)(3) and 1153 carries a maximum imprisonment. It of violence. It is a narcotic drug. It is a large amount of controlled substances, to
may affect wh The defendar X The defendar X The defendar	ngainst the defendant is high. cs of the defendant including: Int appears to have a mental condition which mether the defendant will appear. Int has no family ties in the area. Int has had no steady employment. Int has no substantial financial resources. Int is not a long time resident of the community.

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, ,	The defendant does not have any residential ties. Past conduct of the defendant: The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. At the time of the current arrest, the defendant was on: Probation Parole X Supervised Release - 8:08CR125 (D. Nebr.) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4) The n	ature and seriousness of the danger posed by the defendant's
releas	e are as follows: the nature of the charges in the Indictment and the dant's substance abuse and criminal history.
X (5) Rebut	table Presumptions
on th § 3142 <u>X</u> (a)	ermining that the defendant should be detained, the Court also relied e following rebuttable presumption(s) contained in 18 U.S.C. 2(e) which the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: X (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment

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if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 14, 2015. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge